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UNDER 37 CFR 1.8(a)

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18 November 2005
HUESCHEN, AND SAGE

Michelle M. CS
Dated: 18 November 2005

SERVIER 411

Applicant : Michelle PRUDHOMME, Bernadette HUGON, Fabrice ANIZON, John HICKMAN, Alain PIERRE, Roy GOLSTEYN, Pierre RENARD, and Bruno PFEIFFER

Serial No. : 10/672,418

Filed : September 26, 2003

Title : NEW [3,4-a:3,4-c] CARBAZOLE COMPOUNDS

Art Unit : 1626

Examiner : Rebecca L. ANDERSON, Esq.

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

RESPONSE AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

Sir:

Responsive to the Office Action, a Restriction Requirement, dated October 25, 2005, it is the position of the Office that the application pertains to a plurality of patentably distinct inventions. The applicants **traverse** this conclusion on the grounds that a chemist would not find the instant invention to involve structurally distinct inventions. Moreover, the Applicants assert that **Group II** is part of the claimed invention.

Restriction **Group I** is drawn to substances, an important characteristic of which is their pharmacological activity. Such activity is claimed in the form of method claims. Therefore, the restriction of the instant invention into a group directed to the substance and another group directed to the method or pharmacological characteristic of the substance is without basis.

Nonetheless, in an effort to advance the prosecution of the instant application, the Applicants elect *with traverse* to prosecute the invention of **Group I**, (Claims 21-38 and 40) drawn to compounds, of the Restriction Requirement. Applicants designate the species of Example 18, 10-hydroxy-1*H*-dipyrrolo[3,4-*a*:3,4-*c*]carbazole-1,3,4,6(2*H*,5*H*,7*H*)-tetrone, as representative of **Group I**. Moreover, the Applicants respectfully request that the Examiner include at least one method of treatment claim from **Group II** for simultaneous prosecution with the substance claims of **Group I**. The Applicants hereby designate the claim to treatment of *carcinoma* for such examination.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Examiner may withdraw all non-elected method claims, without prejudice to their rejoinder during later examination and/or prosecution in a Divisional Application.

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 
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